

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## EXTRAORDINAIRE, LLC,

Case No. 2:15-cv-01048-RFB-CWH

Plaintiff,

V.

JASON SCALESE, *et. al.*

Defendant.

## ORDER

This case is before the Court on a Motion for Entry of a Default Judgment filed by Plaintiff Extraordinaire, LLC (“Extraordinaire”) on October 19, 2015. ECF No. 12. Defendant Jason Scalese did not respond to the motion and has not appeared in this action despite being served with a copy of the Summons and the Complaint on June 23, 2015. See ECF No. 7.

Under Local Rule 7(2)(d), “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” Although there is a strong policy underlying the Federal Rules of Civil Procedure that favors deciding cases on the merits, the Court finds that Plaintiff would be prejudiced in its ability to seek relief absent a default judgment against Defendant.

Therefore, **IT IS ORDERED** that Plaintiff's Motion for Entry of a Default Judgment (ECF No. 12) is GRANTED. The Clerk of Court is instructed to enter judgment in favor of Plaintiff and against Defendant in the following amount:

A. Compensatory Damages in the amount of \$401,000 on the contractual claim set forth in the Complaint:

B. Compensatory Damages in the amount of \$401,000 on the covenant of good faith and fair dealing claim set forth in the Complaint;

1           C. Compensatory Damages in the amount of \$99,500 on the fraud claim set forth in the  
2 Complaint;

3           D. Punitive Damages in the amount of \$300,000 on the fraud claim set forth in the  
4 Complaint; and

5           D. Reasonable Attorneys' Fees and Legal Costs amounting to \$7,450.92.

6           **IT IS FURTHER ORDERED** that Plaintiff's Motion Requesting a Hearing on the  
7 Motion for Entry of Default Judgment (ECF 15) is DENIED.

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9           **DATED:** September 1, 2016.



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10           RICHARD F. BOULWARE, II  
11           United States District Judge

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